

Application No: 10/664,790
Onishi
AU 1753

REMARKS

- Claims 1-12 remain active in the application. For the convenience of the
- 5 Examiner a separate "clean" copy of the claims is also included in this amendment.

Currently the claim status is as follows:

- Claims 1-4, 6 and 9-11 are amended.
- 10 Claims 5, 7-8 and 12 are as originally presented.

REJECTIONS UNDER 35 USC 112

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Claims 1-4, 6 and 9-11 have been amended to remove and replace the language that was rejected under 35 USC 112. In addition, claim 9 also contains a change to remove another typographical error. Thus with the amendments contained herein, the

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grounds of rejection are no longer present and the rejection should now be considered as overcome.

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REJECTION UNDER 35 USC 103

Claims 1-11 stand rejected under 35 USC 103. That rejection is based principally on the teachings of Kobayashi et al. As amended the claims now recite that this system is for non-magnetic coatings. As the Examiner knows, there is a difference in the properties 10 of magnetic vs. non-magnetic materials in their response to magnetic flux. One would expect a response from magnetic materials to magnetic flux but not in the case of non-magnetic. Kobayashi deals only with magnetic materials.

The addition of Sichmann does not remedy the non-magnetic material situation. Sichmann has magnets on both sides of the target. Applicant's contribution to the art 15 places the magnets on the face side of the target only and not on both sides. Applicant is capable of effecting enhanced deposition without the complicated system of Sichmann and for non-magnetic materials which is absent in Kobayashi.

As to the rejections of the dependent claims over Kobayashi, the positive recitation of the non-magnetic materials in claim 1 which has overcome the rejection of

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that base claim renders the rejections of the dependent claims as moot. Since claim 1 is now patentable over Kobayashi, the other claims follow, including those rejected citing Boys.

Therefore, it is respectfully requested that the rejections of the claims under 35
5 USC 103 be properly withdrawn in light of the amendments to claim 1.

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DOUBLE PATENTING REJECTION

Applicant's claims have further been rejected under nonstatutory double patenting in light of Sichmann. Again, Sichmann uses magnets on both sides of the
15 target and Applicant does not as now recited in amended claim 1. The two systems are structurally different and thus the teachings are not properly combinable. In addition, the Sichmann reference deals with only non-magnetic materials and thus the equivalency of non-magnetic to magnetic materials is nowhere taught. In order for the double patenting rejection to be valid, a teaching that the two types of materials are equivalent in this

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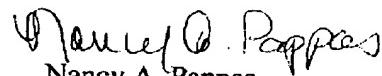
milieu must be presented. Thus the two systems are not similar and the rejection as it currently stands is not proper in light of the amendments to the claims and thus the rejection is no longer proper and should be withdrawn.

- 5 Thus in light of the amendments to the claims, it is Applicant's contention that the case is now in condition for allowance and that the Examiner is now able to do the same. Should the Examiner have any questions, he is request to contact Applicant's Agent of Record via e-mail at npappas129@aol.com or by telephone at 813/977-1373.

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Respectively Submitted,


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